

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

ROBERT GARRISON,)
Plaintiff,)
v.) Case No. 10-cv-277-JPG
NATIONAL MANAGEMENT)
RECOVERY CORPORATION,)
Defendant.)

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Robert Garrison's Notice of Voluntary Dismissal (Doc. 14), which seeks to dismiss all claims against Defendant National Management Recovery Corporation ("National Management") with prejudice in light of recent settlement.

Acting under the Court's direction, the Clerk of Court entered Judgment (Doc. 13) in this case on October 4, 2010, in favor of Garrison and against National Management. Therefore, in order for Garrison to achieve the relief now sought, he asks the Court to vacate said judgment. As such, the Court partially construes the instant notice as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b). Fed. R. Civ. P. 60(b)(5)-(6) (On *motion* and just terms, the court may relieve a party . . . from a final judgment . . . for the following reasons: . . . the judgment has been satisfied, released, or discharged . . . or any other reason that justifies relief.") (emphasis added). And, being fully advised of the premises, the Court grants Garrison's motion for relief and **VACATES** the judgment entered in this case.

Turning to Garrison's notice of voluntary dismissal, the Court notes that a plaintiff has an absolute right to dismiss an action against an adverse party at any time before said party serves either an answer or a motion for summary judgment, whichever first occurs. Fed. R. Civ. P.

41(a)(1)(A)(i). Here, National Management has yet to file either an answer or a motion for summary judgment. Accordingly, the Court acknowledges that this matter is at an end. Further, the Court **DIRECTS** the Clerk of Court to close the case file.

IT IS SO ORDERED.

Dated: November 29, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE